

60.137-167; 009-3018-U

REMARKS

Applicant has amended this application in response to the office action. Notably, the claims are not amended. The examiner's indefinite rejection under 35 USC §112, second paragraph, is improper. The fact that only one element is disclosed as providing both functions does not mean the two distinct elements cannot be recited in a claim. Applicant's preferred and disclosed embodiment may well provide both elements with one part, however, that in no way makes the claim indefinite. Reconsideration is requested.

The rejection of the claims over Thulin and Warren is improper. The fact that a similar pivot joint may or may not exist is irrelevant. The inclusion of the Warren joint into Thulin must be suggested, and there is no suggestion for making the modification. The examiner argues that there is a suggestion "in order to facilitate tightening of the connection." This "benefit," however, is not disclosed in the art. The benefit can only be found in applicant's disclosure. The examiner argues the benefit is "self-evident," however there is nothing evident about the benefit from the Warren reference. Reconsideration and withdrawal of this rejection is in order.


The rejection of claims 14 and 16 over Thulin, Warren and further with Smith, et al. is also contested. There is nothing within Smith, et al. that would suggest any change to the Thulin structure. Smith, et al. relates to a nozzle that can pivot about several axes relative to each other. There is no reason why such a shape should be incorporated into the Thulin connection. The pivoting movement is decidedly different, and the adjustability of Smith, et al. provides for a very distinct part both structurally and in its operation.

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Applicant does not separately contest the rejection of the claims over Thulin and Warren combined with Wellington, Campbell, or Judell. Even so, all claims are allowable given the failing of the basic combination.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on November 7, 2005.


Laura Combs